

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO: 2:20-cr-00054

NEDELTCHO VLADIMIROV

**MOTION BY THE UNITED STATES TO TOLL
THE SPEEDY TRIAL ACT AND CONTINUE TRIAL**

Comes now the United States of America, by counsel, and respectfully moves this Honorable Court for an Order continuing the trial and all related pretrial deadlines to a date between May 3, 2021, and August 31, 2021, and for a finding of excludable time under the Speedy Trial Act as found in Title 18 U.S.C. § 3161, *et seq.*

In support thereof, the United States provides as follows:

1. The trial of this matter is scheduled for April 19, 2021, before the Honorable Irene C. Berger.

2. On March 15, 2021, Chief Judge Thomas E. Johnston entered General Order #11 and ordered "that effective May 3, 2021, civil and criminal petit jury selections may commence[.]" In Re: Court Operations under the Exigent Circumstances Created by the COVID-19 Pandemic, No. 2:20-mc-00052, Dkt. No. 16 at 7 (March 15, 2021).

3. General Order #11 further ordered that “the public health recommendations for conducting indoor in-person events have an impact on the availability of counsel and court staff, the time period between May 3, 2021 and August 31, 2021 will be excluded under the Speedy Trial Act, as ... the ends of justice served by excluding this time period outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h) (7) (A)” *Id.*

4. Pursuant to General Orders #10 and #11, the speedy trial clock for all cases in this district remains tolled until August 31, 2021, and trials scheduled in advance of May 3, 2021—which includes Mr. Vladimirov’s trial—must be continued to a date between May 3, 2021 and August 31, 2021.

5. Consistent with these Orders, the United States requests the current trial date and related deadlines be continued to a date between May 3, 2021, and August 31, 2021.

6. The United States certifies that the reasons for the request do not include general congestion of the Court’s calendar, or lack of diligent preparation on the part of the parties involved.

WHEREFORE, the United States respectfully requests that this Honorable Court enter an Order continuing the trial and all related pretrial deadlines to a date between May 3, 2021, and August 31, 2021.

DATED: March 23, 2021

Respectfully submitted,

LISA G. JOHNSTON
Acting United States Attorney

By: /s/ Andrew J. Tessman
ANDREW J. TESSMAN
Assistant United States Attorney
West Virginia Bar No. 13734
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Email: andrew.tessman@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing document has been electronically filed and service has been made on opposing counsel by virtue of electronic filing on March 23, 2021 to:

Timothy J. LaFon
CICCARELLO DELGIUDICE & LAFON
Suite 100
1219 Virginia Street East
Charleston, WV 25301-2912

By: s/Andrew J. Tessman